

REMARKS/ARGUMENTS

Drawings

The present application is a national phase application of PCT Application No. EP2004/013463. Therefore, the figures submitted in the PCT application are the figures for the present application. The Examiner is respectfully requested to obtain the figures for the present application from the PCT application in satisfaction of the requirement for corrected drawings.

Amendment

Claims 21-40 are pending.

Claim 26 is amended to clarify that the downlight reflectors are illuminated by a plurality of common illuminants. Support is found throughout the specification and figures.

Rejections under 35 USC § 102

The rejection of claims 21-29, 32-36 and 39 as anticipated by Perlo et al. is respectfully traversed. "To anticipate a claim, the reference must teach every element of the claim." MPEP § 2131. In the present case, Perlo et al. fails to achieve this standard.

Claim 21 calls for a lighting device which comprises a plurality of downlight reflectors, wherein at least two downlight reflectors are illuminated by a common illuminant. The downlight reflectors each have a front reflector opening which define direct light discharge regions. These direct light discharge regions are surrounded at least regionally by at least one diffuse light discharge region.

Various advantages of providing a direct light discharge region as well as a diffuse light discharge region are pointed out in paragraph [0020] of the Substitute Specification.

In various embodiments, a lighting device is provided which still has the advantages pointed out in paragraph [0020] of the Substitute Specification and which also ensures that the diffuse light discharge region emits a clearly perceivable light amount.

According to claim 21, diffuse light discharge regions can be illuminated directly by sections of the common illuminant which are disposed outside of rear openings of the downlight reflectors.

Perlo et al. neither discloses that it is desirable to increase the light amount which is emitted via diffuse light discharge regions, nor discloses illuminating such regions directly by a common illuminant.

The common illuminant 1 according to Perlo et al. produces light by emitting light in the direction of the bottom wall 7 of the secondary reflector 3. From this bottom wall 7, the light is reflected in the direction of the illumination regions (see fig. 3 of Perlo et al., where light is

reflected by a bottom wall 7 in an upward direction). However, nothing in Perlo et al. teaches or suggests that the reflected light is diffuse. A smooth surface, such as a mirror or the surface indicated in drawings of the bottom wall 7 in figures 3 and 6 of Perlo et al. '282, would not produce reflected light that is diffuse. Thus, Perlo et al. fails to teach a diffuse light discharge region.

Moreover, according to Perlo et al., the large opening of the secondary reflector 3 (figures 3 or 6) is illuminated directly only from the inside of the downlight reflectors 4. The remaining area of the opening of the secondary reflector 3 (which surrounds the openings of the downlight reflectors 4, as called for in claim 21) is not illuminated directly by the common illuminant 1. This is confirmed in Perlo et al. at col. 1, ln. 34-42, where Perlo et al. states that the portions of the light source that extend between each pair of contiguous cup-like elements (downlight reflectors) would be directly exposed outwards, in the sense that the relative luminous flux would not be gathered by the cup-like elements. Perlo et al. further states that in order to recover also this luminous flux, the primary reflector further includes a tile (reference numbers 9,10,11 in figures 1, 3, 5 and 6), which extends between each pair of contiguous cup-like elements (or downlight reflectors).

Thus, Perlo et al. indicates that tile 9,10,11 is provided to prevent the common illuminant from directly illuminating the reflector regions surrounding the cup-like elements. As such, Perlo et al. does not teach or suggest directly illuminating a diffuse light discharge region.

With respect to claim 26-28, the claims are amended to clarify that the downlight reflectors are illuminated by a plurality of common illuminants. Perlo et al. do not teach or suggest this type of illumination.

Perlo et al. fail to teach all elements of claim 21 and claims 22-29, 32-36 and 39 which depend from claim 21. As such, claims 21-29, 32-36 and 39 are not anticipated.

The rejection of claims 21-29 and 32-40 as anticipated by EP0359069 is respectfully traversed. The reference shows parabolic downlight reflectors 5' which are arranged in a common support 6',6''. Downlight reflectors 5' are illuminated by a common illuminant 2 (see figures 1, 3, 6 and 7).

However, EP0359069 only discloses direct light discharge regions, but no diffuse light discharge regions. A diffuse light discharge region could only be formed by the common supports 6',6'', but there is absolutely no teaching or suggestion in EP0359069 to use a translucent material for the common supports 6',6'' to form a diffuse light discharge region. The common support 6',6'' is called "Tragblech" in EP0359069, which is equivalent to "metal sheet support." Such "metal sheet support" indicates a light-proof material that cannot serve as a diffuse light discharge region. Thus, EP0359069 does not teach or suggest a diffuse light discharge region.

The cited reference EP0359069 fails to teach or suggest all elements of the claims. As such, claims 21-29 and 32-40 are not anticipated.

Rejections under 35 USC § 103

The rejection of claims 30 and 31 as obvious over Perlo et al or EP0359069 in view of Littman et al. or Barclay is respectfully traversed. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. In the present case, the prior art does not meet this standard.

Perlo et al. and EP0359069, alone or together, fail to teach a directly illuminated diffuse light discharge region. The Littman et al. and Barclay references do not remedy this defect by teaching pivotally held downlight reflectors. Since the combination of references fails to teach a directly illuminated diffuse light discharge region, all limitations of the claims are neither taught nor suggested by the prior art. As such, claims 30 and 31 are not obvious.

In view of the foregoing amendments and remarks, Applicant submits that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

No fee is believed due. However, the Commissioner is hereby authorized during prosecution of this application and any related appeal, to charge any fees that may be required (except for patent issue fees required under 37 CFR §1.18) or to credit any overpayment of fees to Deposit Account No. 50-0337. If an extension of time is required in connection with this paper, please consider this a Petition therefor and charge any fees required to Deposit Account No. 50-0337.

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Respectfully submitted,



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